

R E M A R K S

Reconsideration of this application, as amended, is respectfully requested.

RE: INTERVIEW

The Examiner is thanked for conducting an interview on April 2, 2009. Claims 9 and 18 have been amended along the lines discussed with the Examiner to clarify that the automatic focusing of the present invention is achieved by changing a relative distance between the stage and the objective lens in a direction of the optical axis of the objective lens. In addition, claims 19 and 23 have been amended to better accord with amended independent claims 9 and 18.

As discussed during the interview, the Xu et al reference merely discloses a stepper motor that changes an aperture stop, and Xu et al clearly does not disclose, teach or suggest the feature of the present invention as recited in clarified amended independent claims 9 and 18 whereby automatic focusing is achieved by changing a relative distance between the stage and the objective lens in a direction of the optical axis of the objective lens.

Accordingly, it is respectfully submitted that even if West et al and Xu et al were combinable in the manner suggested by the

Examiner, such combination would still not achieve or render obvious the defect detection method and apparatus of the present invention as recited in amended independent claims 9 and 18.

In view of the foregoing, it is respectfully submitted that the present invention as recited in amended independent claims 9 and 18, and claims 2-4, 10-12 and 19-26 respectively depending therefrom, clearly patentably distinguishes over West et al and Xu et al under 35 USC 103.

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned for prompt action.

Respectfully submitted,

/Douglas Holtz/

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